THE

# CASE

OF

### THOMAS LYELL.

CONTAINING

An Impartial VINDICATION of himself, from the severe Imputation he now lies under with the Publick, relating to the Transactions at the late Masquerade.

Humbly Inscrib'd to all Gentlemen of Candour.

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### THOMAS LYELL.



T is a very affecting Addition to the Variety of my present Distress, to be almost daily named and represented in the Publick News Papers as a most sla-

gitious Miscreant, in relation to the Sacrifice I am made, for the Iniquity of another Person, at the last Masquerade: I

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humbly

humbly hope the Reader will pardon me for troubling him with the following Facts, who never entertained Thoughts of stepping out of the Obscurity I had resigned myself to, and contented myself with.

Self-regard, and Truth, would not have let so many Days (so many Ages, for Innocence to be branded with Infamy) to pass over such a heavy Weight of Imputation, if, from my Anguish of Mind, Infirmities of Body, and the Horrors of the Place I am in, I could have had one Interval of Ease, or Health, for that End sooner.

I am so unhappy to lie under an Accusation of defrauding the Company with salse and loaded Dice, and of winning large Sums of Money by those Means.

Indefensible, and a most execrable Villain! Nay, in the Eyes of all the World, a most egregious Fool, should I indeed be, to have any Way been an Accomplice in so atrocious, in so stupid a Perpetration; to deface in one Night, the universal Character of Fidelity and Impartiality, and of some Portion of Common Sense I had maintained for so many Years.

I declare therefore, in the Presence of God, I had no Knowledge of, or Privity

to, the Corruption of the Dice, which were fo unfortunately committed to me, to be distributed to the Servants: That I brought not a Guinea with me to the Place, nor carried one out of it: That I play'd not in any Shape myself, nor had any Concern directly or indirectly with any who did. All, or most of those Servants, saw the Dice given to me by Mr. Sidney, a little before the Play began, after he had delivered three Setts of each of them himself for the first Demand. He, as unfortunately, and I am convinced as innocently, received them about Nine o'Clock that Night, before three Witnesses, of the Perfon whose Province it was to get them of the Maker, and to mark, fort, and feal them up in Papers for Use. Soon after Mr. Sidney's receiving them, he and I took Coach to the Masquerade-House, without stirring out of the Place, or Sight of those Witnesses, till the Coach was called, and were there before Ten o'Clock.

It may be observed, that I have said, [the Person whose Province it was to get the Dice of the Maker, and mark, sort, and seal them in Papers for Use.] That was a Province that might be thought to have been mine; and the Event gives me now severe Reasons to lament that it was

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not; and that our Confidence was fo entire and absolute in him whose it was, which, added to the Submission I saw my felf forced to yield to, the little Confideration had of me in other Respects, as so precariously situated and not circumstanced to contend with fuch as thought themfelves, for that Reason, superior to me, has so unhappily drawn on me the unutterable Sufferings I am become subject to. All I assumed, was, to determine such Doubts and Controversies, as might happen in the Play, in which my Uprightness (to the best of my Judgment) and my Impartiality, are, I hope, well known, never to have been over-rul'd by any one whomfoever. I could not convey any where more Power than I had, and no small Part of my Sufferings, and what most fensibly affects me, lies in the Offence fo greatly given to the Losers, by so villainous a Machination, and to the Gentleman, under whose Roof it was perpetrated; whom rather than I would have betrayed, by a real Guilt, I would have renounced Liberty, Life itself, and all this World could offer to me. My Attention was fixed on preventing Attempts I fear'd from such as might mix among the Company; far from suspecting where the flagrant Iniquity lay;

lay; and pursuant to that Care, had strictly instructed the Box-keepers to be watchful on all Occasions; to observe, if any Dice marked otherways than theirs were, for that Night, should come to their Hands. They appeared, accordingly, as careful and diligent in that Point, as I am persuaded they were guiltless in the fatal Deception I was under myself. Their Care foon shewed itself; for in a very little Time after the Attendance of one of them. he discovered a Dye (the only one found to be so) of a different Mark, changed for one of those he had delivered to the Table; immediately he acquainted me with it, and gave it me to examine, as well as I then could: Without the evident Proof of cutting it, or any other Tryal, I made no doubt of the Purpose for which it was introduced; and instantly placed myself over the Mask I apprehended it to come from, and faid, I believe, in the Hearing of the Box-keeper, as well as of the Mask himself: " Some Rascal has already put " in a Dye, if another such Attempt be made, I'll expose him to the whole "Company." By which I judged I had defeated his further Audaciousness, and perhaps injudiciously, and too securely forbore to communicate it to all the Com-

Company, because, I concluded, we could preserve them from future Injuries of that Kind, and that fuch an Alarm would needlesly discompose them, and induce them to fear what I imagined was so little to be farther fear'd, by the Circumspection used on that Head.—But I have something more to fay to that Particular on the proper Occasion for it .-- To heighten my Misfortune, this unfavourable Incident has Arengthened the Torrent of Prejudice and Rancour that has borne me down, and overwhelmed me in this Gulf of Misery. The Sense and Meaning of the little Defence I was permitted to make for it, when the Information was penning against me, have quite another Turn given to them; and my frank and honest Acknowledgment, That I knew that fingle changed Dye to be false as soon as it came into my Posfession, is tortured to fignify, that I knew all the rest to be so, and that it was with my Privity, that they were fuch as they were found to be. - I must submit it to the Candid and Unprejudiced, Whether my Instructions to the Box-keepers; my keeping that Dye from continuing in Operation, and whether, what I faid upon it, when it was discovered, and my ready delivery of it to the Magistrate, when it was asked

asked for, can leave it credible, that I could be a Confederate with fuch as dared to be so criminal: As I likewise resign myself to the Opinion of the whole World, whether my rushing among the Gentlemen, in their Heat of cutting all the Dice the Box-keeeper had, my voluntary producing three Setts out of my Pocket, and my declaring so confidently that they never had been unsealed or used; that I would stake my Life on the Genuineness and Fairness of them; whereas I had much more than fufficient Time to have quitted the Room, as others did, or to have several ways disposfess'd my self of them, if I had known them to be false; Isay, I appeal to the Opinion of the whole World, whether those Particulars infer Innocence or Guilt, whether they permit a Possibility of my Confederacy either on that Side, or of my being actually what Appearances have so unhappily represented me; or whether I have by real Guilt incurred the dreadful Inflictions I have fallen under? —— If it can be infinuated, that the Dice I delivered were not the same I so received, or that they could be carried out to be altered, an equal Impossibility will be evident in such a Supposition, from the Nature of the Thing: For, besides my being known to have ne-

ver moved out of the Room, from the Time I entered it, till all was over, and not to have had any Mask on the whole Night, the Marks of the Dice (pretended to be made particular and new, to facilitate the Discovery, if any former ones should be attempted to be put on us by such as were suspected of such Designs) were not known either to Mr. Sidney, or me, till they were committed to him at the Time named above; nor the Squares, on which they were marked, known at all, till they were opened in their Course; so that Marking-Irons, to impress the self-same Numbers as they were marked with, must be furnished, and the Alteration of them from fair to false, (the Work, for aught I know, of a Week) affigned to the Space of half an Hour, the Time they were in my Possession, before the Play began, Besides all that, the Hand-writing of the Person who delivered them to Mr. Sidney, was on all the sealed Papers that covered every respective Sett, and corresponded to the Character on all he supplied us As a Proof of this, the only two Setts referved for that Satisfaction to myfelf, as well as to all the World, were fo written on; and, on Comparison of the Hand

Hand with his, who provided all we used there and elsewhere, and constantly so wrote on them, was seen to be exactly the fame. - Those two Setts remaining with me, when I went to Colonel Deweil's, if demanded of me by him, or any there, I should certainly, according to the Openness I demonstrated in every Thing required of me, have given them up likewise, and have put that Proof out of my Power; therefore, to preferve them for it, I committed them to Roberts, he, as known to be a Servant only, not being fo likely to be asked for them. As foon as met in the calamitous Place that now ranks us with real Malefactors, the Circumstance of the Writing was re-examined, and has, before Witneffes, been marked by one or more of them, and both the Setts, with that Writing and Marks, given back to Roberts, that they may appear to be the same, if there should be Occasion for it.

How insupportably I suffer for what I am as innocent of, as I was at the ill-fated Hour that brought me into the World, those will judge, who can costder what, in Soul and Body, one loaded with Ignominy, past the sixtieth Year of his Age, asthmatick in his Habit, racked with

with Fits of the Cholick, and contracting acute Rheumatick Pains in his Limbs, must undergo, in a Place of more Horror than Words can describe! Suppos'd, by Fraud and Villainy, to have filled his Pockets; yet to be miserable, and want all Things! One, who if he would have been a Villain, might have been rich, yet looks on his Condition as more eligible to him, with Integrity, than that of those who may abound by their Iniquity; one, who if it be not impious to fay fo, has it to wish that he, who is the Author of his being such a Sacrifice, had shot him thro' the Back; which would have been less injurious, less cruel, and have more claimed the Forgiveness I would grant to my greatest Enemies: I should then have only lost a Life of too little Consideration to have affected any but a distressed Family, who depended on it, and now must perish with me; but he has divested me of that, which was dearer to me than Life itself, and all it could flatter me with.

If these Truths look like Complaints where they are not aimed, I shall again be miscontrued to Meanings I am far from intending. My own Resection on the Appearances that were against me,

and the other Gentleman, who, unapprehended, unsent for by the Prosecutors, or the Magistrate, flew voluntarily into my Sufferings, as conscious of my Innocence as well as of his own, leads me to impute the Resentment of those honourable Gentlemen to their Misconception of Men so little known to them; and to their natural Detestation of such a feeming Guiltiness: And all the severe and contemptuous Things faid, and done to us by the worthy Magistrates, my Humility bids me entirely ascribe to their known Zeal and Activity, to discountenance Vice wherever they think they find it; persuading myself, if either the Gentlemen, or they, were maturely to separate the Semblance of Guilt from the Reality of it, that the Malignity retained against us, would change itself into Compassion and Regret. If the Warrant intreated for, to compel the truly culpable to appear, after his not coming on our several Mesfages for him, could have been obtained, the Truth would have come to Light, and our unfortunate Case been cleared from the Darkness it is supposed to be involved in.

I had forgot one Thing; though I hope none of the Three, under our Circum-

Circumstances, can be deemed an Authon, or Accessary to a Crime so distant from our Dispositions, and so inconfistent with the milder Judgment, we trust, will be formed of the other Accufation that, at present, fits so heavy on us: I mean the Threatening Letter, or Letters, which, as we are informed, have been so impudently and maliciously reported on this Ocasion to have been concerted by us.

I as folemnly declare, as I have done above, I never had a Thought that bordered on fuch a Wickedness; and I am fatisfied, I can as fafely fay the fame for the other two Sufferers with me, in this fad Effect of our fatal Deception; and, in Justice to whom, I cannot conclude without repeating my Declaration, that I conceive them as guiltless of any Combination in the Iniquity imputed to us, as before they were

born.

I therefore humbly hope, this short Narrative; so inaccurate as it must be in Diction, and fo greatly defective in every other Respect, to qualify it for the Perusal of all Gentlemen of Candour, that they will pardon the Attempt of fo mean a Pen, and make Allow-

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Allowance for its Imperfections, arising from the afflicted Condition both of Body and Mind; but that what I have wrote is Truth, without Artifice or Difguise, I invoke that Omnipotent Being, to whom all Hearts are open, to deal with me accordingly in the Hour of Death, and at that tremendous Tribunal, where nothing can be hid from his Omniscience.

May 12.

THOMAS LYELL.



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